

of their defense budgets on major equipment, including research and development, by 2024.

(7) **SUPPORT FOR MONTENEGRO'S DEMOCRATIC REFORM PROCESS.**—Montenegro has made difficult reforms and taken steps to address corruption. The United States and other NATO member states should not consider this important process complete and should continue to urge additional reforms.

SEC. 3. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) **PRESIDENTIAL CERTIFICATION.**—Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

(A) The inclusion of Montenegro in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO.

(B) The inclusion of Montenegro in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(2) **ANNUAL REPORT ON NATO MEMBER DEFENSE SPENDING.**—Not later than December 1 of each year during the 8-year period following the date of entry into force of the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, the President shall submit to the appropriate congressional committees a report, which shall be submitted in an unclassified form, but may be accompanied by a classified annex, and which shall contain the following information:

(A) The amount each NATO member spent on its national defense in each of the previous 5 years.

(B) The percentage of GDP for each of the previous 5 years that each NATO member spent on its national defense.

(C) The percentage of national defense spending for each of the previous 5 years that each NATO member spent on major equipment, including research and development.

(D) Details on the actions a NATO member has taken in the most recent year reported to move closer towards the NATO guideline outlined in the 2014 Wales Summit Declaration to spend a minimum of 2 percent of its GDP on national defense and 20 percent of its national defense budget on major equipment, including research and development, if a NATO member is below either guideline for the most recent year reported.

SEC. 4. DEFINITIONS.

In this resolution:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) **NATO MEMBERS.**—The term “NATO members” means all countries that are parties to the North Atlantic Treaty.

(3) **NON-NATO MEMBERS.**—The term “non-NATO members” means all countries that are not parties to the North Atlantic Treaty.

(4) **NORTH ATLANTIC AREA.**—The term “North Atlantic area” means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) **NORTH ATLANTIC TREATY.**—The term “North Atlantic Treaty” means the North Atlantic Treaty, signed at Washington April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

(6) **UNITED STATES INSTRUMENT OF RATIFICATION.**—The term “United States instrument of ratification” means the instrument of ratification of the United States of the Pro-

ocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.

The PRESIDING OFFICER. The Senator from North Carolina.

LEGISLATIVE SESSION

Mr. BURR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURR. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Ms. HIRONO. Mr. President, during last week's hearing on Donald Trump's nominee to the Supreme Court, Neil Gorsuch, I raised serious concerns about what is at stake for the future of our country. It is a mistake to think that the confirmation process for a lifetime appointment to our Nation's highest Court is only about the nominee. It isn't.

The real focus and the real heart of this decision lies in the struggles that working families, women, people of color, the differently abled, the LGBTQ community, immigrants, students, seniors, and our Native people face every single day. These are the everyday Americans who will be impacted by the decisions Justice Gorsuch would make. These are the people who would have been hurt by Donald Trump and the Congressional Republicans in their failed attempt to repeal the Affordable Care Act.

Donald Trump and the Republicans in Congress fought for a plan that would callously throw Americans by the tens of millions out in the cold without health insurance and would make the lives and health of millions more precarious. It was only through the voices of Americans who were loud and steadfast in confronting TrumpCare that TrumpCare failed. These are the people for whom the need for justice is often most urgent. An understanding of these people, their lives, and how they would be impacted by the Court is what I found to be missing from Judge Gorsuch's view of the law. It is these same voices I am listening to now.

Judge Gorsuch should have been more open with the Judiciary Committee about how he would approach the difficult and important cases that come before the Supreme Court. But time and again, Judge Gorsuch avoided answering questions, telling us his judicial philosophy and his view of the law were irrelevant to our consideration of his nomination.

The well-funded campaign to put Judge Gorsuch on the Supreme Court fueled by millions of dollars of money from unnamed donors has attempted to create a narrative about Judge Gorsuch and the stakes of this nomination. This is a narrative woven with Ivy League credentials and endorsements but not revealing at all about Judge Gorsuch's judicial philosophy—the heart he would bring to his view of the law.

During the hearing, many of my Republican colleagues echoed the view that credentials are enough and that our real questions about Judge Gorsuch's record and philosophy are somehow irrelevant or even inappropriate. Certainly, Judge Gorsuch did his part, telling us time and again in his words, his views, his writings, and his clearly expressed personal views that these writings had no relevance to what he would do as a judge. I disagree.

In my view, there is a great deal of difference between how Judge Gorsuch, as Justice Gorsuch, would approach the kinds of tough cases that reach the Supreme Court and how, say, a Justice Merrick Garland would approach these cases.

We know that Justice Scalia and Justice Ginsburg, both legendary jurists and close friends, would reach dramatically different results in cases that matter deeply in the lives of millions—cases like *Shelby County*, like *Lilly Ledbetter*, like *Hobby Lobby*, like *Roe v. Wade*. Justice Scalia and Justice Ginsburg differ in how they view important cases that came before them. That is why a Justice's judicial philosophy is important in our considerations.

Donald Trump knew this, too, when he set forth his clear litmus test for his Supreme Court pick. To paraphrase the President, he wanted a Justice who would adhere to a broad view of the Second Amendment, who believes corporations are entitled to “religious freedom” at the expense of the rights of their employees, and who would overturn *Roe v. Wade*, to quote the President, “automatically.”

In Judge Gorsuch, Donald Trump selected a nominee who passed his litmus test. When we asked Judge Gorsuch about his opinions in specific cases like that involving the terrible choice facing Alfonse Maddin between freezing to death or being fired, the judge told us we should look instead at his whole record. When I examined his whole record, I saw too little regard for the real-world impact of his decisions and a refusal to look beyond the words to the meaning and intent of the law,

even when his decisions lacked commonsense.

When we asked about decisions where Judge Gorsuch seemed to adopt strained interpretations that narrow laws meant to protect worker safety, he said simply that he was a judge and he didn't take sides. Yet too many times, his narrow interpretations led to decisions that were on the side of big corporations and against the side of the little guy. When asked to respond, he said that if we didn't like the result, if we didn't like his decisions, it was because a statute was too limited or unclear, and that Members of Congress should do better.

We asked Judge Gorsuch about his decision in *Hobby Lobby*, which found an expansive new right to religious liberty for a corporation that employed thousands of people. He did not explain how he assessed the terrible impact this decision had for thousands of working women at the company who would now be denied access to contraceptive coverage.

When I met with Judge Gorsuch, he told me he had a heart. After 4 days of hearings, I still don't know what is in his heart. I would have liked Judge Gorsuch to have been more open so we could have had a real conversation about what the law is and who the courts protect. What we got instead were platitudes about the work of the courts that came straight from a Norman Rockwell painting.

I did agree with the judge that article III courts are there to protect minority rights. Article III of the Constitution protects the independence of the Supreme Court and the lower Federal courts and gives enormous authority to judges and Justices to determine how to apply the law to the cases before them to protect minority rights.

It is critical that before we decide to grant Judge Gorsuch a lifetime appointment to the Nation's highest Court, the Senate is able to gain an understanding of his approach to the law. At our judiciary committee hearing, I asked Jeff Perkins, the father of a young boy with autism, about the impact of Judge Gorsuch's decision on his son's education progress at and outside of his new school. The case involved the protections of the Individuals with Disabilities Education Act, or IDEA, which Judge Gorsuch's decision narrowed to point that these comments under the law were deemed virtually meaningless.

The new school that Luke Perkins attended made little effort to ensure that the skills he developed in school were translating at home. As a result, Luke severely regressed. Experts in autism, psychology, and occupational therapy testified on Luke's behalf that the school was seriously neglecting his needs. An impartial hearing officer, an administrative law judge, and Federal district court all agreed Luke's regression showed that the school was not providing him with a "free appropriate public education" as required by the IDEA.

Judge Gorsuch disagreed and decided the school had "merely more than de minimis" responsibility to do better for Luke. Jeff Perkins, Luke's father, said that he knew Judge Gorsuch's decision would negatively impact thousands of families with special needs children like Luke. It broke his heart.

Judge Gorsuch's extraordinarily narrow interpretation of the IDEA was rejected unanimously by the U.S. Supreme Court last week. In his opinion for the unanimous Court, Chief Justice Roberts concluded that the minimal standard determined by Judge Gorsuch was clearly at odds with the purpose of the law for children who are not progressing along with their peers. Justice Roberts wrote:

The goals may differ, but every child should have the chance to meet challenging objectives. . . . When all is said and done, a student offered an educational program providing "merely more than de minimis" progress from year to year can hardly be said to have been offered an education at all.

When asked by my colleague, Senator DURBIN of Illinois, why the judge wanted to "lower the bar so low" in his decision, Judge Gorsuch, referring to Luke's case, responded:

If anyone is suggesting that I like a result where an autistic child happens to lose, that's a heartbreaking accusation to me. Heartbreaking. But the fact of the matter is what is bound by certain precedent.

Heartbreaking or not, Judge Gorsuch still found against the autistic child. Thankfully, the Supreme Court disagreed with Judge Gorsuch's wrong decision. It was wrong because remedial legislation such as IDEA should be broadly interpreted in favor of the group being protected. And it was wrong because the courts are not innocent bystanders. Their decisions have real-world impacts for thousands or even millions of people beyond the parties in a particular case before the Court.

This is especially true of the Supreme Court, which issues decisions that don't just reach those cases in front of them—the frozen trucker, women who work at *Hobby Lobby* faced with lack of critical healthcare. They also reach millions of others impacted by interpretations of the law made by the Court in those decisions. The Supreme Court does not just interpret our laws. The Supreme Court is an affirmation of our country's values. The Supreme Court shapes our society.

When we began the hearings on Judge Gorsuch's nomination, I said the Supreme Court vacancy isn't just another position we must fill in our Federal judiciary. A Supreme Court vacancy is a solemn obligation we must fulfill for the future of our country and for our future generations. The central question for me, in looking at Judge Gorsuch and his record and listening carefully through 3 days of hearings, is whether he would be a Justice for all or Justice for some. Regrettably, I do not believe Judge Gorsuch would be a Justice for all of us.

I will oppose his nomination, and I urge my colleagues to do the same. This vacancy is simply too important for the future of America and our values to do otherwise.

I yield back.
The PRESIDING OFFICER. The Senator from New Mexico.

RUSSIA AND TRUMP CAMPAIGN INVESTIGATION

Mr. HEINRICH. Mr. President, I come to the floor today, not as a member of any one committee or political party but as a gravely concerned American.

On a seemingly daily—or even hourly—basis, there is a new revelation about the Trump campaign's possible ties to or even coordination with Russia's interference in our Presidential election last year. With these constant reports coming out, it can be difficult to see through all the smoke in the air.

However, what is clear is that we must get to the bottom of what exactly happened. I know that the White House and some in Congress are furiously working to sweep this under the rug, but only the truth will serve as a public means to move past this crisis for our democracy.

That is why I come to the Senate floor today, to address this issue before my colleagues and to help the American people sort through the details of what we know to be the undisputed facts. We know without a doubt, based on the assessment of credible intelligence, that the Russian Government hacked into Presidential campaign infrastructure and sought not only to damage Hillary Clinton but to try to help elect Donald Trump.

Russian intelligence operatives hacked into the email servers of both of our two major political parties. They chose to selectively leak information that damaged one Presidential candidate and favored the other. This is not a partisan political assessment. This is the plain truth as proven by credible intelligence gathered by the CIA, the FBI, the NSA, and the military's Cyber Command. In addition, 17 U.S. intelligence agencies issued a statement expressing their unanimous assessment that Moscow had penetrated State election voting centers.

During an open hearing in the Senate Intelligence Committee in January of this year, FBI Director James Comey said: "There were intrusions and attempted intrusions at the state level voter registration databases." Director Comey said that there was no evidence of activity on election day related to this voter registration data. However, this clearly demonstrates that this data may be vulnerable to future cyber attacks and manipulations by foreign hackers.

What happened in this last year's election is already disturbing enough. In testimony during the same Senate Intelligence Committee hearing, then-Director of National Intelligence James Clapper said: